## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS **EASTERN DIVISION**

PAULA WALLRICH, DANIELLE JONES, : **GRANT GRINNELL, JEFFREY BURTON.:** RHONDA MCCALLUM, PROVIDENCIA:

VILLEGAS, and 49,980 other individuals,

Civil Action No: 1:22-cv-05506

Hon. Harry D. Leinenweber

Petitioners,

- against -

SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO., LTD.,

Respondents.

(Addressing related action docketed as Melanie Hoeg, Angela Davis, Melinda Garcia, and 1,025 Other Individuals v. Samsung Electronics America, Inc., and Samsung Electronics Co., Ltd. (d/b/a Samsung Electronics America, Inc.), Civil Action No. 1:23-cv-01951, presently assigned to the Hon. Jorge L. Alonso)

## RESPONDENTS' REPLY TO RESPONSES TO MOTION FOR REASSIGNMENT OF RELATED CASE

Respondents briefly reply to the *Hoeg* Petitioners' Response (ECF No. 41) and to the Wallrich Petitioners' Response (ECF No. 42) to their Motion for reassignment of the Hoeg action (ECF No. 40) as follows:

- 1. Respondents appreciate the *Hoeg* Petitioners' acknowledgment that reassignment of the *Hoeg* action is appropriate. (ECF No. 41, at 2 ("Petitioners in *Hoeg* have no objection to reassigning *Hoeg* to this Court.").)
- 2. Respondents disagree with the *Hoeg* Petitioners' assertion that "the dualrepresentation issue" "has absolutely nothing to do with the relief Respondents request in their motion — i.e., reassignment of a related case." (See ECF No. 41, at 2.) The substantial overlap between the parties in the two actions is self-evidently pertinent to the Court's consideration of whether the two actions are related and whether reassignment is therefore appropriate. Respondents identified that overlap by mechanically comparing the publicly-filed lists of

Petitioners in the two actions, as counsel for the *Hoeg* Petitioners could have done prior to the filing of their Petition.

- 3. The *Wallrich* Petitioners suggest that Respondents should have provided email addresses for the overlapping Petitioners. (*See* ECF No. 42, at ¶ 4 n.2.) The list of potentially overlapping Petitioners attached to Respondents' Motion (ECF No. 40-3) was generated using the publicly-filed lists of Petitioners in the two actions (*Wallrich* ECF No. 1-2, *Hoeg* ECF No. 1-1), which do not include email addresses. Counsel for Petitioners have those addresses if they wish to refer to them.
- 4. Respondents disagree with the *Hoeg* Petitioners' implication that the Motion would have been unnecessary "had Respondent's counsel simply picked up the phone and asked." (ECF No. 41, at 3.) Local Rule 40.4 quite properly does not permit reassignment of an action by stipulation of the parties, but instead provides a protocol for raising the question of reassignment with the Court. Respondents proceeded in accordance with that protocol.
- 5. The *Hoeg* Petitioners' putative description of a confidential mediation proceeding between Respondents and the *Hoeg* Petitioners is entirely unnecessary to their Response. (*See* ECF No. 41, at 1.) Accordingly, Respondents will not comment further on that description here other than to note that it is not at all accurate, and Respondents do not agree with it.

Dated: April 10, 2023

Mark Howard Boyle DONOHUE BROWN MATHEWSON & SMYTH LLC

131 South Dearborn Street, Suite 1600 Chicago, Illinois 60603 Telephone: (312) 422-0900

James L. Kopecky KOPECKY SCHUMACHER ROSENBURG LLC 120 North LaSalle Street, Suite 2000 Chicago, Illinois 60601 Telephone: (312) 380-6552 Respectfully submitted,

## /s/ Randall W. Edwards

Randall W. Edwards Matthew D. Powers (*pro hac vice*) O'MELVENY & MYERS LLP Two Embarcadero Center, 28th Floor San Francisco, California 94111-3823 Telephone: (415) 984-8700

Michael W. McTigue Jr. (pro hac vice) Meredith C. Slawe (pro hac vice) Kurt Wm. Hemr (pro hac vice) SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP One Manhattan West New York, New York 10001-8602 Telephone: (212) 735-3000

Attorneys for Respondents Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 10th day of April, 2023, he caused the foregoing Respondents' Reply To Responses To Motion For Reassignment Of Related Case to be filed with the Clerk of the District Court via the CM/ECF system, which will send notification of such filing to all counsel of record in *Wallrich* at the email addresses on file with the Court.

The undersigned further certifies that on that same day, he caused a copy of the foregoing Respondents' Reply to Responses to Motion For Reassignment Of Related Case to be served by electronic mail to all counsel of record in the action captioned *Melanie Hoeg et al. v. Samsung Electronics America, Inc. et al.*, which is docketed as Civil Action No. 1:23-cv-1951 in this Court, as follows:

Gary M. Klinger
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
221 West Monroe Street, Suite 2100
Chicago, Illinois 60606
Telephone: (866) 252-0878
gklinger@milberg.com

Jonathan B. Cohen
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
3833 Central Avenue
St. Petersburg, Florida 33713
Telephone: (813) 699-4056
jcohen@milberg.com

Stuart A. Davidson
Mark Dearman
Alexander C. Cohen
ROBBINS GELLER RUDMAN & DOWD LLP
225 NE Mizner Boulevard, Suite 720
Boca Raton, Florida 33432
Telephone: (561) 750-3000
sdavidson@rgrdlaw.com
mdearman@rgrdlaw.com
acohen@rgrdlaw.com

Dated: April 10, 2023 /s/ Randall W. Edwards

Randall W. Edwards O'MELVENY & MYERS LLP Two Embarcadero Center, 28th Floor San Francisco, California 94111-3823 Telephone: (415) 984-8700

Attorney for Respondents Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd.